

Chapter 1414. An Act to Amend the Laws Regarding Storage of Sand and Salt and to Provide Funding for State and Municipal Storage Facilities

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §413, sub-§2-D, as amended by PL 1999, c. 387, §4, is further amended to read:

2-D. Exemptions; road salt or sand-salt storage piles. The commissioner may exempt any road salt or sand-salt storage area from the need to obtain a license under this section for discharges to groundwaters of the State when the commissioner finds that the exempt activity will not have a significant adverse effect on the quality or classifications of the groundwaters of the State. In making this finding, the commissioner's review must include, but is not limited to, the location, structure and operation of the storage area.

Owners of salt storage areas shall register the location of storage areas with the department on or before January 1, 1986. As required by section 411, the department shall prioritize municipal or quasi-municipal sand-salt storage areas prior to November 1, 1986.

New or existing salt or sand-salt storage areas registered after October 1, 1999 may be exempt from licensing under this section as long as such areas comply with siting, operational and best management practices adopted by rule by the department. Storage areas other than those owned by municipalities or counties and registered prior to October 1, 1999 are exempt from licensing under this section as long as such areas comply with section 451-A, subsection 1-A and with operational and best management practices adopted by rule by the department. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

Storage areas owned by the Department of Transportation and registered prior to October 1, 1999 are not in violation of best management practice rules adopted by the department pursuant to this subsection if the Department of Transportation complies with the reporting requirements in section 451-A.

Sec. 2. 38 MRSA §451-A, sub-§1-B is enacted to read:

1-B. Department of Transportation storage areas. A sand and salt storage area owned by the Department of Transportation and registered prior to October 1, 1999 is not in violation of a groundwater classification or reclassification adopted on or after January 1, 1980 with respect to discharges of groundwater from that area if:

A. The Department of Transportation biennially submits to the Legislature a budget request sufficient to comply with this subsection and section 413;

B. Prior to the use of funds appropriated by the Legislature to carry out the purposes of this subsection, the Department of Transportation presents to the department for comment and response a plan for the use of those funds by outlining a sand and salt

storage area specific expenditure plan to prevent pollution, avoid future abatement or clean-up costs and comply with applicable federal guidelines; and

C. The Department of Transportation reports annually to the department on the status of available funds and the department determines that pursuant to this report the Department of Transportation is making timely use of the funds consistent with the plan and comments provided pursuant to paragraph B.'

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

TRANSPORTATION, DEPARTMENT OF

Highway Maintenance 0330

Initiative: Allocates funds for the construction of salt and sand storage facilities that will be used and owned by the Department of Transportation.

Highway Fund	2003-04	2004-05
Capital Expenditures	\$125,000	\$0
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Highway Fund Total	\$125,000	\$0

Administration and Planning 0339

Initiative: Allocates funds to reimburse municipalities for the construction of salt and sand storage facilities. Notwithstanding the provisions of the Maine Revised Statutes, Title 23, section 1851, subsection 4, \$77,000 of this allocation must be used to reimburse the Town of Patten for the costs that the town incurred in building a salt and sand storage facility.

Highway Fund	2003-04	2004-05
All Other	\$202,000	\$0
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Highway Fund Total	\$202,000	\$0

TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS 2003-04

	2004-05	
HIGHWAY FUND	\$327,000	\$0
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DEPARTMENT TOTAL - ALL FUNDS	\$327,000	\$0